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to American legal scholarship, and to the articles contained in them the author owes more than he has been able specifically to acknowledge."

D. O. McG.

FORMS, RULES AND GENERAL ORDERS IN BANKRUPTCY. Collated, revised, and annotated by MARSHALL S. HAGAR, and THOMAS ALEXANDER. Albany: MATTHEW BENDER & Co. 1910. pp. li, 747.

This book should be very useful to that portion of the Bar who practice in the bankruptcy courts. The *imprimatur* of Mr. Alexander, who is the commissioner of the most important bankruptcy district of this country, would alone commend the forms to the practitioners on this side of the Federal Courts. But apart from that, the careful work of both authors, in the selection of the precedents set before us, should suffice to carry their product into active use. The collection the book contains of various general and local rules of court is very interesting.

The Bankrupt Act of 1898 followed the excellent idea of the similar English statutes, in leaving all but the fundamental points of practice to be formulated by the judges in the way of court rules or the course of decision. Accordingly the Supreme Court at once framed a series of General Orders in Bankruptcy, which are still of force. These, however, soon proved insufficient for many important questions of daily occurrence. So many of the District Courts adopted rules of their own, as supplemental to the Supreme Court's General Orders. The present volume has value in that it contains as the authors state, the local rules "of many of the important centres throughout the country." Some of the districts whose rules are represented are the four Districts of New York, the Eastern District of Pennsylvania, and the Districts of Massachusetts and California.

The profession should feel indebted to the authors for bringing together the rules of the various District Courts. Although the practitioner would be chiefly interested in the rules of his own district, yet it can never fail to profit one to glance at the ordinances of neighboring courts. Certainly those of the Southern District of New York might serve as a model for any court whose business comes from the activities of a commercial centre.

The forms, however, are the major feature of the work before us. At the same time that it published its General Orders in Bankruptcy, the Supreme Court established a series of official forms for the use of practitioners. While these were adapted for a great many steps in bankruptcy proceedings, nevertheless it was not long before official precedents were found wholly inadequate for very many cases of common occurrence. Our authors in their preface state that some of these forms were held to be insufficient and demurrable. Certainly they did not furnish a complete guide to the practice of the bankruptcy courts. Some of them still remain of standard use, but the majority have been freely discarded for the more precise moulds upon which the course of actual practice has set its approval. The chief value of the present work is that most of these forms of daily use, scores of whose prototypes lie in the files of the various clerks' offices, have been brought together for ready reference.

A good example is in the form for the well-known "omnibus proceedings" to refer to the referee, as a master, all reclamation proceedings relative to property in the trustee's hands. Such a course of

procedure is essential in the case of every so-called "Wall Street failure." When a stock broker of any considerable business is put into bankruptcy, it is inevitable that his trustee will be deluged with specific claims to all the securities, cash and other quick assets he may find, and many of these claims will sharply conflict with each other. The Bankrupt Act prescribes no time limit for the filing of such claims, the General Orders are silent on this most important point, and the official forms pass it by. But the skill of successive counsel for trustees in the Southern District of New York, where most of such cases occur, has found a way out of this. So the various steps by which all the claimants are, through a proceeding in the nature of foreclosure, compelled to file their claims within a certain time, and prosecute them before the referee sitting as a special master, are pictured in this volume through the forms of petition, rule *nisi*, order and advertisement. The validity of such proceedings has been fully upheld, in the Second Circuit, by a decision whose importance cannot be exaggerated. *In re McIntyre & Co.*<sup>1</sup> The present is the first attempt to give the forms of this kind of proceeding.

This, however, is but one of many good instances. We cannot forbear mentioning, in this connection, the precedents offered for ancillary proceedings where the assets lie scattered over many districts.

A very good feature of this book is that the forms are grouped in logical sequence regarding the successive steps in a bankruptcy proceeding. This idea is in the main so consistently followed as to afford few opportunities for criticism. We might, however, ask why the forms for requiring a bankruptcy trustee, when the plaintiff in a plenary suit, to give security for costs, should appear under the title, "Trustee in Bankruptcy," instead of the more appropriate head of "Complaints in Suits by Trustees" (Title XIII). Whether the precedents under this latter title, indeed, will prove of as much value as the others in this collection is a question. When it comes to forms of bills in chancery and complaints in which the trustee is the plaintiff, we have reached the gate of the bankruptcy domain. The formal allegations of any such bill, setting forth the trustee's election and qualification, and the insufficiency of the estate to pay the proven claims, may well be drawn from these precedents. We may go further and say that a bill to set aside a preferential transfer can be safely cast in the authors' form. But we do not believe that such a thing as a bill to set aside a fraudulent conveyance or secret trust, or to uproot a conspiracy to deceive and defraud creditors, can ever be safely framed on any one set precedent. When we come to such a case, we have stepped from practice to substantive law. Then the bill must follow the windings of the decisions, and not come cold from the mould of any form book, however excellent.

G. G.

DECISIONS, STATUTES ETC. CONCERNING THE LAW OF ESTATES IN LAND. Compiled by JOHN R. ROOD. Second Edition. Chicago: CALLAGHAN & Co. 1909. pp. xv, 447.

This is a collection of material to illustrate the early history of the law of real property. It is made from early land charters, Anglo-Saxon laws, the laws of William and the Henrys, from Bracton and his Note Book, Glanvil and Littleton, and from the Year Books, and

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<sup>1</sup>(1910) 176 Fed. 552.